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DOJ Consumer Alert

Attorney General Biden Orders Kent County Home builder to Pay Restitution to Homeowners, Stop Fraudulent Construction and Business Practices

March 19, 2012 - The Attorney General's Consumer Protection Unit announced today that five Delaware homeowners will receive restitution under a Cease and Desist Order it has issued against a Kent County homebuilder who specialized in selling custom-built and pre-fabricated log homes. The Order requires Richard and Rosemary Aslin, who conducted business as Aslin, Inc. and Simpson Log Homes, to pay \$75,000 in restitution and to cease unlawful construction practices.

In February 2009, the Attorney General's Consumer Protection Unit filed a civil lawsuit in Superior Court following its investigation of multiple homebuyer complaints alleging fraud and substandard construction practices. The lawsuit alleged that the Aslins, through their companies Aslin, Inc. and Simpson Log Homes, violated Delaware's Consumer Fraud and Deceptive Trade Practices statutes.

The Cease and Desist Order, which the defendants have agreed to, resolves the pending lawsuit. The practices that the Aslins are prohibited from engaging in include:

- building the homes with grossly substandard workmanship, resulting in structural defects, contrary to representations as to the quality of workmanship at the time of sale;
- substituting cheaper and/or inferior materials, including structural beams and columns, for the materials required by the plans and the contract;
- deviating, without owner approval, from agreed-upon building plans or specifications that were incorporated into the contract;
- deliberately creating buyer confusion as to the price of the contract, options and supplies, by changing already agreed-upon prices and/or failing to disclose excluded items at the time of the contract;
- promising to deliver a "turn-key" home that is completely finished, but then subsequently imposing additional charges to finish it or delivering it in an unfinished state;
- giving a one-year warranty that was not honored in good faith;
- misrepresenting the grade and quality of lumber used;
- misrepresenting the R factor and degree of insulation provided;
- using fewer floor joists and roof rafters than called for by the plans;
- omitting necessary sealers and/or plastic barriers to keep moisture, condensation, and insects out;
- converting building materials belonging to the buyers;
- withholding funds rightfully belonging to the buyers; and in connection with any residential or commercial construction they engage in, or any residential or commercial construction engaged in by any entity under their ownership, control or management, and
- creating unsafe conditions in the homes by using unlicensed employees or sub-contractors

Aslin, Inc. and Simpson Log Homes are no longer operational. However, Richard and Rosemary Aslin are currently operating a log home building company called Lockwood Building and Supply in Dover, Delaware.

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